

EXECUTIVE SUMMARY - ENFORCEMENT MATTER Page 1 of 4
DOCKET NO.: 2007-1444-MWD-E **TCEQ ID:** RN100528918 **CASE NO.:** 34593
RESPONDENT NAME: City of Pinehurst

ORDER TYPE:		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
CASE TYPE:		
<input type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input checked="" type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION

SITE WHERE VIOLATION(S) OCCURRED: City of Pinehurst wastewater treatment facility, 3000 Gull Street, Pinehurst, Orange County

TYPE OF OPERATION: Wastewater treatment facility

SMALL BUSINESS: ☐ Yes ☒ No

OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.

INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.

COMMENTS RECEIVED: The *Texas Register* comment period expired on February 25, 2008. No comments were received.

CONTACTS AND MAILING LIST:
TCEQ Attorney/SEP Coordinator: None
TCEQ Enforcement Coordinator: Ms. Merrilee Hupp, Enforcement Division, Enforcement Team 1, MC 169, (512) 239-4490; Mr. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171
Respondent: The Honorable Billy C. Permenter, Mayor, City of Pinehurst, 3640 Mockingbird Street, Orange, Texas 77630
Respondent's Attorney: Not represented by counsel on this enforcement matter

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation: <input type="checkbox"/> Complaint <input checked="" type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: June 6, 2007</p> <p>Date of NOV/NOE Relating to this Case: August 3, 2007 (NOE)</p> <p>Background Facts: This was a routine investigation.</p> <p>WATER</p> <p>1) Failed to initiate engineering and financial planning for expansion and/or upgrading of the wastewater treatment and/or collection facilities when the effluent daily average flow measurements reached 75% of the permitted daily average flow limit for three consecutive months. Specifically, the flow at the Facility exceeded 75% of its permitted daily average flow limit of 0.5 million gallons per day in December 2006 through March 2007 [30 TEX. ADMIN. CODE § 305.126(a) and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010597001, Operational Requirements No. 8.a.].</p> <p>2) Failed to ensure that the Facility and all of its systems of collection, treatment, and disposal are properly operated and maintained. Specifically, the container used for bar screenings had no lid, the grating over the on-site influent lift station wet well was severely corroded and delaminating, a tree was growing in the west side of equalization pond, and the skimmer arm in the clarifier was too short to contact the outer baffle and remove solids from its entire operating surface [30 TEX. ADMIN. CODE §§ 305.125(5) and 317.4(b)(4) and (d), and TPDES Permit No. WQ0010597001, Operational Requirements No. 1].</p>	<p>Total Assessed: \$15,717</p> <p>Total Deferred: \$3,143 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$0</p> <p>Total Paid to General Revenue: \$12,574</p> <p>Site Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Corrective Actions Taken:</p> <p>The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Facility:</p> <p>a. In May 2006, began analyzing ammonia nitrogen once weekly as required by TPDES Permit WQ0010597001;</p> <p>b. By June 29, 2007, began using potassium iodide to correct for manganese when performing chlorine residual analysis, checking the accuracy of the colorimeter using secondary standards while performing chlorine residual analyses, using a National Institute of Standards and Technology thermometer to calibrate the laboratory thermometer, and had purchased buffer solutions for the calibration of the pH meter;</p> <p>c. By June 29, 2007, began including analysis times in the monitoring records;</p> <p>d. On June 29, 2007, provided a copy of the 2004 and 2006 annual sludge reports to the TCEQ Beaumont Regional Office;</p> <p>e. On June 29, 2007, provided a copy of the test report for the backflow prevention device;</p> <p>f. By July 20, 2007, replaced the bulbs in the visual alarms at the 34th Street and West Park lift stations, repaired the alarm at the Warbler lift station, removed the grease from the wet well at the 34th Street lift station, and recoated the wet well lid and replaced the hatch at the Warbler lift station;</p> <p>g. By July 26, 2007, provided a trash container with lid for the bar screenings, repaired and recoated the grating over the on-site influent lift station wet well, removed the tree from the equalization pond, and extended the skimmer arm in the clarifier to ensure removal of scum from its entire operating surface;</p> <p>h. On July 26, 2007, provided noncompliance notices for the effluent</p>

<p>residual analysis; the pH 7 and 10 buffers used to calibrate the pH meter had expired in 2006; the accuracy of the colorimeter had not been checked with secondary standards prior to the daily chlorine residual analysis; and it could not be demonstrated that the laboratory thermometer in the sample storage refrigerator had been calibrated with a National Institute of Standards and Technology thermometer as required [30 TEX. ADMIN. CODE § 319.11(c) and (e) and TPDES Permit No. WQ0010597001, Monitoring and Reporting Requirements No. 2].</p> <p>9) Failed to include the time of analysis in the record of monitoring activities [30 TEX. ADMIN. CODE § 305.125(1) and TPDES Permit No. WQ0010597001, Monitoring and Reporting Requirements No. 3.c.iii.].</p>		
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Additional ID No(s): TPDES Permit No. WQ0010597001

3) Failed to ensure that the Facility and all of its systems of collection, treatment, and disposal are properly operated and maintained. Specifically, the bulbs in the visual alarms at the 34th Street and West Park lift stations were missing, the wet well at the 34th Street lift station was approximately 90% covered with grease and solids, and the visual alarm at the Warbler lift station was not operable and the interior of the wet well lid and hatch were very corroded [30 TEX. ADMIN. CODE §§ 305.125(5) and 317.3(e)(5), and TPDES Permit No. WQ0010597001, Operational Requirements No. 1].

4) Failed to conduct effluent sampling at the minimum frequency specified in the permit. Specifically, in January 2006, the Respondent was monitoring ammonia nitrogen monthly instead of weekly [30 TEX. ADMIN. CODE § 319.5(b) and TPDES Permit No. WQ0010597001, Monitoring and Reporting Requirements No. 1].

5) Failed to timely submit a copy of the annual sludge report to the Beaumont Regional Office. Specifically, the 2004 and 2006 annual sludge reports, due September 1 of each corresponding year, were not sent to the TCEQ Beaumont Regional Office as required [30 TEX. ADMIN. CODE § 305.125(17) and TPDES Permit No. WQ0010597001, Sludge Provisions].

6) Failed to submit noncompliance notifications to the TCEQ Beaumont Regional Office for effluent violations more than 40 percent above the permitted limitation for the months of May and June 2006 [30 TEX. ADMIN. CODE § 305.125(1) and TPDES Permit No. WQ0010597001, Monitoring and Reporting Requirements No. 7.c.].

7) Failed to retain monitoring and reporting records for three years. Specifically, the backflow prevention device test record was not available for review during the June 6, 2007 investigation [30 TEX. ADMIN. CODE § 317.4(a)(8) and TPDES Permit No. WQ0010597001, Monitoring and Reporting Requirements No. 3.b.].

8) Failed to comply with test procedures for the analysis of pollutants with procedures specified in 30 TEX. ADMIN. CODE § 319.11. Specifically, potassium iodide was not being used for manganese correction when performing the chlorine

excursions 40 percent (%) or more above the permitted effluent limitation which occurred in May and June 2006, as well as a standard operating procedure for the submittal of such notifications; and

i. On August 28, 2007, initiated engineering and financial planning for repairs and upgrading of the collection system of the Facility by approving the budget for an assessment of the system, including labor, equipment, and engineering fees.


Ordering Provisions:

The Order will require the Respondent to:

a. Within 30 days after the effective date of this Agreed Order, the City shall submit a notice, which may be in the form of an engineering report, to the TCEQ describing any planned physical alterations or additions to the Facility;

b. Respond completely and adequately, as determined by the TCEQ, to all requests for information concerning the notice and/or engineering report within 30 days after the date of such request or by any other deadline specified in writing; and

c. Within 90 days after the effective date of this Agreed Order, submit written certification of compliance that either authorization to commence construction of the additions or modifications to the Facility has been obtained or that a waiver of 30 TEX. ADMIN. CODE § 305.126(a) requirements has been obtained. Written certification shall include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance.

	Penalty Calculation Worksheet (PCW)	PCW Revision June 26, 2007
Policy Revision 2 (September 2002)		

TCEQ	DATES	Assigned 6-Aug-2007	PCW 9-Sep-2007	Screening 5-Sep-2007	EPA Due
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RESPONDENT/FACILITY INFORMATION			
Respondent	City of Pinehurst		
Reg. Ent. Ref. No.	RN100528918		
Facility/Site Region	10-Beaumont	Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	34593	No. of Violations	9
Docket No.	2007-1444-MWD-E	Order Type	1660
Media Program(s)	Water Quality	Enf. Coordinator	Merrilee Hupp
Multi-Media		EC's Team	EnforcementTeam 1
Admin. Penalty \$	Limit Minimum \$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$9,300
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History	69% Enhancement	Subtotals 2, 3, & 7	\$6,417
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Notes: The Respondent self-reported twenty-two effluent violations, received one NOV for same or similar violations, and was issued one Agreed Order containing a denial of liability.

Culpability	No	Subtotal 4	\$0
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Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply	0% Reduction	Subtotal 5	\$0
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Before NOV NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary		
N/A	X	(mark with x)

Notes: The Respondent does not meet the good faith criteria.

Total EB Amounts	\$12,440	Subtotal 6	\$0
Approx. Cost of Compliance	\$142,150	*Capped at the Total EB \$ Amount	

SUM OF SUBTOTALS 1-7	Final Subtotal	\$15,717
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OTHER FACTORS AS JUSTICE MAY REQUIRE

	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)

Notes:

	Final Penalty Amount	\$15,717
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STATUTORY LIMIT ADJUSTMENT

	Final Assessed Penalty	\$15,717
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DEFERRAL

20%	Adjustment	-\$3,143
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Reduction

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes:

Deferral offered for expedited settlement.

PAYABLE PENALTY		\$12,574
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Screening Date 5-Sep-2007

Docket No. 2007-1444-MWD-E

PCW

Respondent City of Pinehurst

Policy Revision 2 (September 2002)

Case ID No. 34593

PCW Revision June 26, 2007

Reg. Ent. Reference No. RN100528918

Media [Statute] Water Quality

Enf. Coordinator Merrilee Hupp

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	1	5%
	Other written NOVs	22	44%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	1	20%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 69%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

The Respondent self-reported twenty-two effluent violations, received one NOV for same or similar violations, and was issued one Agreed Order containing a denial of liability.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 69%

Screening Date 5-Sep-2007 Respondent City of Pinehurst Case ID No. 34593 Reg. Ent. Reference No. RN100528918 Media [Statute] Water Quality Enf. Coordinator Merrilee Hupp Violation Number 1	Docket No. 2007-1444-MWD-E PCW <i>Policy Revision 2 (September 2002)</i> <i>PCW Revision June 26, 2007</i>																			
Rule Cite(s) 30 Tex. Admin. Code § 305.126(a) and TPDES Permit No. WQ0010597001, Operational Requirements No. 8.a.																				
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<table style="width: 100%;"> <tr> <td style="width: 60%;">Economic Benefit (EB) for this violation</td> <td style="width: 40%;">Statutory Limit Test</td> </tr> <tr> <td> Estimated EB Amount \$12,412 </td> <td> Violation Final Penalty Total \$1,690 </td> </tr> <tr> <td colspan="2" style="text-align: right;"> This violation Final Assessed Penalty (adjusted for limits) \$1,690 </td> </tr> </table>		Economic Benefit (EB) for this violation	Statutory Limit Test	Estimated EB Amount \$12,412	Violation Final Penalty Total \$1,690	This violation Final Assessed Penalty (adjusted for limits) \$1,690														
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Economic Benefit Worksheet

Respondent City of Pinehurst
 Case ID No. 34593
 Reg. Ent. Reference No. RN100528918
 Media Water Quality
 Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment	\$85,000	28-Feb-2007	1-Jun-2008	1.3	\$356	\$7,126	\$7,482
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction	\$56,000	28-Feb-2007	1-Jun-2008	1.3	\$235	\$4,695	\$4,930
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Estimated costs include labor, engineering fees, and equipment to assess the wastewater treatment facility for high flows and the administrative processing of a notice and/or engineering report to obtain an authorization to construct. Date required is in the last of three consecutive months when the flows were reported to be above 75% of the permitted flows. Final date is date when compliance is expected to be achieved.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$141,000

TOTAL

\$12,412

Screening Date 5-Sep-2007	Docket No. 2007-1444-MWD-E	PCW		
Respondent City of Pinehurst	<small>Policy Revision 2 (September 2002)</small>			
Case ID No. 34593	<small>PCW Revision June 26, 2007</small>			
Reg. Ent. Reference No. RN100528918				
Media [Statute] Water Quality				
Enf. Coordinator Merrilee Hupp				
Violation Number <input type="text" value="2"/>				
Rule Cite(s)	30 Tex. Admin. Code §§ 305.125(5), 317.4(b)(4) and (d), and TPDES Permit No. WQ0010597001, Operational Requirements No. 1			
Violation Description	Failed to ensure that the Facility and all of its systems of collection, treatment, and disposal are properly operated and maintained. Specifically, the container used for bar screenings had no lid, the grating over the on-site influent lift station wet well was severely corroded and delaminating, a tree was growing in the west side of equalization pond, and the skimmer arm in the clarifier was too short to contact the outer baffle and remove solids from its entire operating surface, as documented during the June 6, 2007 investigation.			
Base Penalty		<input type="text" value="\$10,000"/>		
>> Environmental, Property and Human Health Matrix				
OR	Harm			
	Release	Major	Moderate	Minor
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>
	Potential	<input type="text"/>	<input type="text"/>	x
Percent		<input type="text" value="5%"/>		
>> Programmatic Matrix				
	Falsification	Major	Moderate	Minor
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Percent		<input type="text" value="0%"/>		
Matrix Notes	Human health or the environment could be exposed to insignificant amounts of pollutants which would not exceed levels that are protective of human health or environmental receptors as a result of the violation.			
Adjustment		<input type="text" value="\$9,500"/>		
		<input type="text" value="\$500"/>		
Violation Events				
Number of Violation Events		<input type="text" value="1"/>	<input type="text" value="50"/> Number of violation days	
<small>mark only one with an x</small>	daily	<input type="text"/>	Violation Base Penalty <input type="text" value="\$500"/>	
	monthly	<input type="text"/>		
	quarterly	<input type="text"/>		
	semiannual	<input type="text"/>		
	annual	<input type="text"/>		
	single event	x		
One single event is recommended based upon the investigation date.				
Economic Benefit (EB) for this violation		Statutory Limit Test		
Estimated EB Amount <input type="text" value="\$2"/>		Violation Final Penalty Total <input type="text" value="\$845"/>		
This violation Final Assessed Penalty (adjusted for limits)		<input type="text" value="\$845"/>		

Economic Benefit Worksheet

Respondent City of Pinehurst
Case ID No. 34593
Reg. Ent. Reference No. RN100528918
Media Water Quality
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment	\$250	6-Jun-2007	26-Jul-2007	0.1	\$0	\$2	\$2
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost for the labor and equipment required for tree removal, providing a trash can with lid for bar screenings, the repair and recoating of the wet well grating, and an extension of the skimmer arm. Date required is the investigation date and final date is the date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$250

TOTAL

\$2

Screening Date 5-Sep-2007	Docket No. 2007-1444-MWD-E	PCW
Respondent City of Pinehurst	<small>Policy Revision 2 (September 2002)</small>	
Case ID No. 34593	<small>PCW Revision June 26, 2007</small>	
Reg. Ent. Reference No. RN100528918		
Media [Statute] Water Quality		
Enf. Coordinator Merrilee Hupp		
Violation Number 3		
Rule Cite(s)	30 Tex. Admin. Code §§ 305.125(5), 317.3(e)(5), and TPDES Permit No. WQ0010597001, Operational Requirements No. 1	
Violation Description	Failed to ensure that the Facility and all of its systems of collection, treatment, and disposal are properly operated and maintained. Specifically, the bulbs in the visual alarms at the 34th Street and West Park lift stations were missing, the wet well at the 34th Street lift station was approximately 90% covered with grease and solids, and the visual alarm at the Warbler lift station was not operable and the interior of the wet well lid and hatch were very corroded, as documented during the June 6, 2007 investigation.	
Base Penalty		\$10,000

>> Environmental, Property and Human Health Matrix

OR		Harm			
	Release	Major	Moderate	Minor	
	Actual				
	Potential		x		Percent 10%

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
					Percent 0%

Matrix Notes

Human health or the environment will or could be exposed to a significant amount of pollutants which would not exceed levels protective of human health or environmental receptors as a result of the violation.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events	3	44	Number of violation days
----------------------------	---	----	--------------------------

<small>mark only one with an x</small>	daily			
	monthly			
	quarterly	x		
	semiannual			
	annual			
	single event			

Three quarterly events are recommended for the period from the June 6, 2007 investigation date to the July 20, 2007 date of compliance at each of the three lift stations.

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount \$3	Violation Final Penalty Total \$5,070
This violation Final Assessed Penalty (adjusted for limits) \$5,070	

Economic Benefit Worksheet

Respondent City of Pinehurst
Case ID No. 34593
Reg. Ent. Reference No. RN100528918
Media Water Quality
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment	\$300	6-Jun-2007	20-Jul-2007	0.1	\$0	\$2	\$3
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal	\$150	6-Jun-2007	20-Jul-2007	0.1	\$1	n/a	\$1
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost for labor, equipment, and disposal associated with the replacement of bulbs and repair of the visual alarms, the removal of grease from the 34th Street lift station, and the recoating of the wet well lid and replacement of the hatch at the Warbler lift station. Date required is the investigation date and final date is date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$450

TOTAL

\$3

Screening Date 5-Sep-2007 Respondent City of Pinehurst Case ID No. 34593 Reg. Ent. Reference No. RN100528918 Media [Statute] Water Quality Enf. Coordinator Merrilee Hupp Violation Number 4 Rule Cite(s) 30 Tex. Admin. Code § 319.5(b) and TPDES Permit No. WQ0010597001, Monitoring and Reporting Requirements No. 1	Docket No. 2007-1444-MWD-E	PCW <small>Policy Revision 2 (September 2002) PCW Revision June 26, 2007</small>																
Violation Description Failed to conduct effluent sampling at the minimum frequency specified in the permit. Specifically, in January 2006, the Respondent was monitoring ammonia nitrogen monthly instead of weekly.																		
Base Penalty		\$10,000																
>> Environmental, Property and Human Health Matrix																		
OR	<table border="1" style="margin: auto;"> <tr> <td></td> <th colspan="3">Harm</th> </tr> <tr> <td>Release</td> <td>Major</td> <td>Moderate</td> <td>Minor</td> </tr> <tr> <td>Actual</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Potential</td> <td></td> <td></td> <td style="text-align: center;">x</td> </tr> </table>		Harm			Release	Major	Moderate	Minor	Actual				Potential			x	Percent 5%
	Harm																	
Release	Major	Moderate	Minor															
Actual																		
Potential			x															
>> Programmatic Matrix																		
Matrix Notes	<table border="1" style="margin: auto;"> <tr> <td></td> <th>Falsification</th> <th>Major</th> <th>Moderate</th> <th>Minor</th> </tr> <tr> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> </table>			Falsification	Major	Moderate	Minor											
	Falsification	Major	Moderate	Minor														
		Percent 0%																
Human health or the environment could be exposed to insignificant amounts of pollutants which would not exceed levels that are protective of human health or environmental receptors as a result of the violation.																		
Adjustment		\$9,500																
		\$500																
Violation Events																		
Number of Violation Events 1		149 Number of violation days																
mark only one with an x	<table border="1" style="margin: auto;"> <tr><td>daily</td><td></td></tr> <tr><td>monthly</td><td></td></tr> <tr><td>quarterly</td><td></td></tr> <tr><td>semiannual</td><td></td></tr> <tr><td>annual</td><td></td></tr> <tr><td>single event</td><td style="text-align: center;">x</td></tr> </table>	daily		monthly		quarterly		semiannual		annual		single event	x	Violation Base Penalty \$500				
daily																		
monthly																		
quarterly																		
semiannual																		
annual																		
single event	x																	
One single event is recommended for the month of January 2006.																		
Economic Benefit (EB) for this violation		Statutory Limit Test																
Estimated EB Amount \$2	Violation Final Penalty Total \$845																	
This violation Final Assessed Penalty (adjusted for limits)		\$845																

Economic Benefit Worksheet

Respondent City of Pinehurst
Case ID No. 34593
Reg. Ent. Reference No. RN100528918
Media Water Quality
Violation No. 4

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$90	1-Jan-2006	30-May-2006	0.4	\$2	n/a	\$2

Notes for DELAYED costs

Estimated cost for the additional analysis of ammonia nitrogen. Date required is the first day of the month where analysis had only been conducted once that month instead of the required once per week. Final date is the date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$90

TOTAL

\$2

Screening Date 5-Sep-2007	Docket No. 2007-1444-MWD-E	PCW
Respondent City of Pinehurst	<small>Policy Revision 2 (September 2002)</small>	
Case ID No. 34593	<small>PCW Revision June 26, 2007</small>	
Reg. Ent. Reference No. RN100528918		
Media [Statute] Water Quality		
Enf. Coordinator Merrilee Hupp		
Violation Number 5		
Rule Cite(s)	30 Tex. Admin. Code § 305.125(17) and TPDES Permit No. WQ0010597001, Sludge Provisions	
Violation Description	Failed to timely submit a copy of the annual sludge report to the Beaumont Regional Office. Specifically, the 2004 and 2006 annual sludge reports, due September 1 of each corresponding year, were not sent to the Beaumont Regional Office as required.	
Base Penalty		\$10,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input checked="" type="checkbox"/>	
				1%

Matrix Notes

About 70 percent (%) of the permit requirement was met.

Adjustment \$9,900

Total \$100

Violation Events

Number of Violation Events	2	1031	Number of violation days
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<small>mark only one with an x</small>	<div style="border: 1px solid black; padding: 2px;">daily</div> <div style="border: 1px solid black; padding: 2px;">monthly</div> <div style="border: 1px solid black; padding: 2px;">quarterly</div> <div style="border: 1px solid black; padding: 2px;">semiannual</div> <div style="border: 1px solid black; padding: 2px;">annual</div> <div style="border: 1px solid black; padding: 2px;">single event</div>	
	x	

Two single events are recommended for the two annual sludge reports.

Violation Base Penalty \$200

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount	Violation Final Penalty Total
\$14	\$338
This violation Final Assessed Penalty (adjusted for limits)	
\$338	

Economic Benefit Worksheet

Respondent: City of Pinehurst
 Case ID No. 34593
 Reg. Ent. Reference No. RN100528918
 Media: Water Quality
 Violation No. 5

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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No commas or \$

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$100	1-Sep-2004	29-Jun-2007	2.8	\$14	n/a	\$14

Notes for DELAYED costs

Estimated cost for the submittal of two annual sludge reports. Date required is the date the first report was due and the final date is the date both reports were received by the Beaumont Regional Office.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$100

TOTAL

\$14

Screening Date 5-Sep-2007 Respondent City of Pinehurst Case ID No. 34593 Reg. Ent. Reference No. RN100528918 Media [Statute] Water Quality Enf. Coordinator Merrilee Hupp Violation Number 6 Rule Cite(s) 30 Tex. Admin. Code § 305.125(1) and TPDES Permit No. WQ0010597001, Monitoring and Reporting Requirements No. 7.c.	Docket No. 2007-1444-MWD-E	PCW <small>Policy Revision 2 (September 2002) PCW Revision June 26, 2007</small>																
Violation Description Failed to to submit noncompliance notifications to the TCEQ Beaumont Regional Office for effluent violations more than 40 percent above the permitted limitation for the months of May and June 2006.																		
Base Penalty		\$10,000																
>> Environmental, Property and Human Health Matrix																		
OR	<table border="1" style="margin: auto;"> <tr> <td></td> <td colspan="3">Harm</td> </tr> <tr> <td>Release</td> <td>Major</td> <td>Moderate</td> <td>Minor</td> </tr> <tr> <td>Actual</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Potential</td> <td></td> <td></td> <td></td> </tr> </table>		Harm			Release	Major	Moderate	Minor	Actual				Potential				Percent 0%
	Harm																	
Release	Major	Moderate	Minor															
Actual																		
Potential																		
>> Programmatic Matrix																		
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	Major	Moderate	Minor															
Falsification		x																
Matrix Notes	50% of the requirement was met.																	
Adjustment		\$9,500																
		\$500																
Violation Events																		
Number of Violation Events 2		416 Number of violation days																
mark only one with an x	<table border="1" style="margin: auto;"> <tr><td>daily</td><td></td></tr> <tr><td>monthly</td><td></td></tr> <tr><td>quarterly</td><td></td></tr> <tr><td>semiannual</td><td></td></tr> <tr><td>annual</td><td></td></tr> <tr><td>single event</td><td>x</td></tr> </table>	daily		monthly		quarterly		semiannual		annual		single event	x	Violation Base Penalty \$1,000				
daily																		
monthly																		
quarterly																		
semiannual																		
annual																		
single event	x																	
Two single events are recommended for the two notices which were not submitted to the Beaumont Regional Office.																		
Economic Benefit (EB) for this violation		Statutory Limit Test																
Estimated EB Amount \$6	Violation Final Penalty Total \$1,690																	
This violation Final Assessed Penalty (adjusted for limits)		\$1,690																

Economic Benefit Worksheet

Respondent City of Pinehurst
Case ID No. 34593
Reg. Ent. Reference No. RN100528918
Media Water Quality
Violation No. 6

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs.	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$100	5-Jun-2006	26-Jul-2007	1.1	\$6	n/a	\$6

Notes for DELAYED costs

Estimated cost for the submittal of two noncompliant reports to the Beaumont Regional Office. Date required is the due date of the first of the two reports and final date is the date compliance documentation was received by the Beaumont Regional Office.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$100

TOTAL

\$6

Screening Date 5-Sep-2007 Respondent City of Pinehurst Case ID No. 34593 Reg. Ent. Reference No. RN100528918 Media [Statute] Water Quality Enf. Coordinator Merrilee Hupp Violation Number 7 Rule Cite(s) 30 Tex. Admin. Code § 317.4(a)(8) and TPDES Permit No. WQ0010597001, Monitoring and Reporting Requirements No. 3.b.	Docket No. 2007-1444-MWD-E	PCW <small>Policy Revision 2 (September 2002) PCW Revision June 26, 2007</small>																
Violation Description <div style="border: 1px solid black; padding: 5px; margin-top: 5px;"> Failed to retain monitoring and reporting records for three years. Specifically, the backflow prevention device test record was not available for review during the June 6, 2007 investigation. </div>																		
Base Penalty		\$10,000																
>> Environmental, Property and Human Health Matrix																		
OR	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 15%;"></th> <th style="width: 20%;">Major</th> <th style="width: 20%;">Moderate</th> <th style="width: 20%;">Minor</th> </tr> </thead> <tbody> <tr> <td>Release</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Actual</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Potential</td> <td></td> <td></td> <td></td> </tr> </tbody> </table>		Major	Moderate	Minor	Release				Actual				Potential				Percent 0%
	Major	Moderate	Minor															
Release																		
Actual																		
Potential																		
>> Programmatic Matrix																		
<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 15%;"></th> <th style="width: 20%;">Major</th> <th style="width: 20%;">Moderate</th> <th style="width: 20%;">Minor</th> </tr> </thead> <tbody> <tr> <td>Falsification</td> <td></td> <td></td> <td></td> </tr> <tr> <td></td> <td style="text-align: center;">x</td> <td></td> <td></td> </tr> </tbody> </table>		Major	Moderate	Minor	Falsification					x			Percent 10%	Matrix Notes <div style="border: 1px solid black; padding: 5px; margin-top: 5px;"> 100% of the requirement was not met. </div>				
	Major	Moderate	Minor															
Falsification																		
	x																	
Adjustment		\$9,000																
		\$1,000																
Violation Events																		
<div style="display: flex; justify-content: space-around;"> <div style="border: 1px solid black; padding: 2px 10px;">1</div> <div style="border: 1px solid black; padding: 2px 10px;">23</div> </div>	Number of violation days																	
<div style="display: flex; align-items: center;"> <div style="font-size: small; margin-right: 5px;"> mark only one with an x </div> <table border="1" style="border-collapse: collapse;"> <tr><td style="padding: 2px 5px;">daily</td><td style="width: 40px;"></td></tr> <tr><td style="padding: 2px 5px;">monthly</td><td></td></tr> <tr><td style="padding: 2px 5px;">quarterly</td><td></td></tr> <tr><td style="padding: 2px 5px;">semiannual</td><td></td></tr> <tr><td style="padding: 2px 5px;">annual</td><td></td></tr> <tr><td style="padding: 2px 5px;">single event</td><td style="text-align: center;">x</td></tr> </table> </div>	daily		monthly		quarterly		semiannual		annual		single event	x	Violation Base Penalty \$1,000					
daily																		
monthly																		
quarterly																		
semiannual																		
annual																		
single event	x																	
<div style="border: 1px solid black; padding: 5px; text-align: center;"> One single event is recommended based upon the June 6, 2007 investigation date. </div>																		
Economic Benefit (EB) for this violation																		
Estimated EB Amount \$0		Statutory Limit Test																
Violation Final Penalty Total \$1,690		This violation Final Assessed Penalty (adjusted for limits) \$1,690																

Economic Benefit Worksheet

Respondent: City of Pinehurst
Case ID No.: 34593
Reg. Ent. Reference No.: RN100528918
Media: Water Quality
Violation No.: 7

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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No commas or \$

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System	\$50	6-Jun-2007	29-Jun-2007	0.1	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost of keeping record of backflow test. Date required is the investigation date and final date is when documentation of compliance was received by Beaumont Regional Office.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$50

TOTAL

\$0

Screening Date 5-Sep-2007 Respondent City of Pinehurst Case ID No. 34593 Reg. Ent. Reference No. RN100528918 Media [Statute] Water Quality Enf. Coordinator Merrilee Hupp Violation Number 8 Rule Cite(s) 30 Tex. Admin. Code § 319.11(c) and (e) and TPDES Permit No. WQ0010597001, Monitoring and Reporting Requirements No. 2	Docket No. 2007-1444-MWD-E	PCW <small>Policy Revision 2 (September 2002)</small> <small>PCW Revision June 26, 2007</small>
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Violation Description	Failed to comply with test procedures for the analysis of pollutants with procedures specified in 30 Tex. Admin. Code § 319.11. Specifically, potassium iodide was not being used for manganese correction when performing the chlorine residual analysis; the pH 7 and 10 buffers used to calibrate the pH meter had expired in 2006; the accuracy of the colorimeter had not been checked with secondary standards prior to the daily chlorine residual analysis; and it could not be demonstrated that the laboratory thermometer in the sample storage refrigerator had been calibrated with a National Institute of Standards and Technology thermometer as required.
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Base Penalty	\$10,000
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>> Environmental, Property and Human Health Matrix

OR		Harm			
	Release	Major	Moderate	Minor	
	Actual				
	Potential			x	Percent 5%

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
					Percent 0%

Matrix Notes	Human health or the environment could be exposed to insignificant amounts of pollutants which would not exceed levels that are protective of human health or environmental receptors as a result of the violation.
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Adjustment	\$9,500
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	\$500
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Violation Events

	4	23	Number of violation days
--	---	----	--------------------------

mark only one with an x		daily						
		monthly						
		quarterly						
		semiannual						
		annual						
		single event		x				

Four single events are recommended for the four different test procedures which were not followed.	
--	--

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount	Violation Final Penalty Total
\$0	\$3,380
This violation Final Assessed Penalty (adjusted for limits)	
\$3,380	

Economic Benefit Worksheet

Respondent City of Pinehurst
 Case ID No. 34593
 Reg. Ent. Reference No. RN100528918
 Media Water Quality
 Violation No. 8

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment	\$60	6-Jun-2007	29-Jun-2007	0.1	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost of chemicals (potassium iodide, secondary standards, and buffer solutions) and labor associated with the analysis of chlorine residuals and pH as well as the purchase of a National Institute of Standards and Technology thermometer. The date required is the investigation date and final date is the date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$60

TOTAL

\$0

Screening Date 5-Sep-2007 Respondent City of Pinehurst Case ID No. 34593 Reg. Ent. Reference No. RN100528918 Media [Statute] Water Quality Enf. Coordinator Merrilee Hupp Violation Number 9 Rule Cite(s) 30 Tex. Admin. Code § 305.125(1) and TPDES Permit No. WQ0010597001, Monitoring and Reporting Requirements, No. 3.c.iii.	Docket No. 2007-1444-MWD-E	PCW <small>Policy Revision 2 (September 2002) PCW Revision June 26, 2007</small>																
Violation Description <div style="border: 1px solid black; padding: 10px; margin-top: 5px;"> Failed to include the time of analysis in the record of monitoring activities, as documented during the June 6, 2007 investigation. </div>																		
Base Penalty		\$10,000																
>> Environmental, Property and Human Health Matrix																		
OR	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="text-align: center;">Release</td> <td colspan="3" style="text-align: center;">Harm</td> </tr> <tr> <td></td> <td style="text-align: center;">Major</td> <td style="text-align: center;">Moderate</td> <td style="text-align: center;">Minor</td> </tr> <tr> <td style="text-align: center;">Actual</td> <td style="text-align: center;"><input type="text"/></td> <td style="text-align: center;"><input type="text"/></td> <td style="text-align: center;"><input type="text"/></td> </tr> <tr> <td style="text-align: center;">Potential</td> <td style="text-align: center;"><input type="text"/></td> <td style="text-align: center;"><input type="text"/></td> <td style="text-align: center;"><input type="text"/></td> </tr> </table>	Release	Harm				Major	Moderate	Minor	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input style="width: 50px;" type="text" value="0%"/>
Release	Harm																	
	Major	Moderate	Minor															
Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>															
Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>															
>> Programmatic Matrix																		
	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="text-align: center;">Falsification</td> <td style="text-align: center;">Major</td> <td style="text-align: center;">Moderate</td> <td style="text-align: center;">Minor</td> </tr> <tr> <td style="text-align: center;"><input type="text"/></td> <td style="text-align: center;"><input type="text"/></td> <td style="text-align: center;"><input type="text"/></td> <td style="text-align: center;"><input type="text" value="x"/></td> </tr> </table>	Falsification	Major	Moderate	Minor	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="x"/>	Percent <input style="width: 50px;" type="text" value="1%"/>								
Falsification	Major	Moderate	Minor															
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="x"/>															
Matrix Notes	<div style="border: 1px solid black; padding: 10px; margin-top: 5px;"> Most (90%) of the permit requirement was met. </div>																	
Adjustment		\$9,900																
		\$100																
Violation Events																		
Number of Violation Events <input style="width: 50px;" type="text" value="1"/>		Number of violation days <input style="width: 50px;" type="text" value="23"/>																
mark only one with an x	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td style="text-align: center;">daily</td><td style="text-align: center;"><input type="text"/></td></tr> <tr><td style="text-align: center;">monthly</td><td style="text-align: center;"><input type="text"/></td></tr> <tr><td style="text-align: center;">quarterly</td><td style="text-align: center;"><input type="text"/></td></tr> <tr><td style="text-align: center;">semiannual</td><td style="text-align: center;"><input type="text"/></td></tr> <tr><td style="text-align: center;">annual</td><td style="text-align: center;"><input type="text"/></td></tr> <tr><td style="text-align: center;">single event</td><td style="text-align: center;"><input type="text" value="x"/></td></tr> </table>	daily	<input type="text"/>	monthly	<input type="text"/>	quarterly	<input type="text"/>	semiannual	<input type="text"/>	annual	<input type="text"/>	single event	<input type="text" value="x"/>	Violation Base Penalty <input style="width: 50px;" type="text" value="\$100"/>				
daily	<input type="text"/>																	
monthly	<input type="text"/>																	
quarterly	<input type="text"/>																	
semiannual	<input type="text"/>																	
annual	<input type="text"/>																	
single event	<input type="text" value="x"/>																	
<div style="border: 1px solid black; padding: 10px; margin-top: 5px;"> One single event is recommended based upon the June 6, 2007 investigation date. </div>																		
Economic Benefit (EB) for this violation		Statutory Limit Test																
Estimated EB Amount <input style="width: 100px;" type="text" value="\$0"/>		Violation Final Penalty Total <input style="width: 50px;" type="text" value="\$169"/>																
This violation Final Assessed Penalty (adjusted for limits)		<input style="width: 50px;" type="text" value="\$169"/>																

Economic Benefit Worksheet

Respondent: City of Pinehurst
 Case ID No. 34593
 Reg. Ent. Reference No. RN100528918
 Media: Water Quality
 Violation No. 9

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System	\$50	6-Jun-2007	29-Jun-2007	0.1	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost for maintaining records of analysis times for pH, dissolved oxygen and chlorine residual analyses. Date required is the investigation date and final date is the date compliance documentation was provided to TCEQ.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$50

TOTAL

\$0

Compliance History

Customer/Respondent/Owner-Operator:	CN601180862	City of Pinehurst	Classification: AVERAGE	Rating: 0.56
Regulated Entity:	RN100528918	CITY OF PINEHURST	Classification: AVERAGE	Site Rating: 1.13
ID Number(s):	WASTEWATER	PERMIT	WQ0010597001	
	WASTEWATER	PERMIT	TPDES0024171	
	WASTEWATER	PERMIT	TX0024171	
	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	OC0411V	
	WASTEWATER LICENSING	LICENSE	WQ0010597001	
Location:	3000 Gull St. , Pinehurst, Orange Co.		Rating Date: September 01 06 Repeat Violator: NO	
TCEQ Region:	REGION 10 - BEAUMONT			
Date Compliance History Prepared:	August 22, 2007			
Agency Decision Requiring Compliance History:	Enforcement			
Compliance Period:	August 22, 2002 to August 22, 2007			

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name: Merrilee G. Hupp Phone: 512-239-4490

Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes
2. Has there been a (known) change in ownership of the site during the compliance period? No
3. If Yes, who is the current owner? N/A
4. If Yes, who was/were the prior owner(s)? N/A
5. When did the change(s) in ownership occur? N/A

Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.

Effective Date: 10/19/2006

ADMINORDER 2006-0479-MWD-E

Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)

Rqmt Prov: Effluent Limits PERMIT

Description: Failure to comply with permit effluent limits as documented by a TCEQ record review of self-reported data.

- B. Any criminal convictions of the state of Texas and the federal government.

N/A

- C. Chronic excessive emissions events.

N/A

- D. The approval dates of investigations. (CCEDS Inv. Track. No.)

- 1 09/09/2002 (169416)
- 2 10/10/2002 (169419)
- 3 11/15/2002 (169423)
- 4 12/16/2002 (169427)
- 5 01/16/2003 (169431)
- 6 02/14/2003 (169390)
- 7 03/10/2003 (169393)
- 8 04/14/2003 (169398)
- 9 05/12/2003 (169402)
- 10 05/15/2003 (28502)
- 11 06/16/2003 (169406)
- 12 07/11/2003 (169410)
- 13 08/18/2003 (300139)
- 14 09/17/2003 (300141)
- 15 10/20/2003 (300143)

16	11/18/2003	(300144)
17	12/05/2003	(256823)
18	12/09/2003	(300145)
19	01/12/2004	(300146)
20	02/10/2004	(300130)
21	03/09/2004	(300132)
22	04/16/2004	(300133)
23	05/14/2004	(300135)
24	06/07/2004	(354029)
25	07/12/2004	(354030)
26	08/09/2004	(354031)
27	09/17/2004	(354032)
28	10/15/2004	(354033)
29	11/12/2004	(354034)
30	12/15/2004	(382933)
31	01/06/2005	(382934)
32	02/07/2005	(382932)
33	03/07/2005	(420739)
34	04/11/2005	(420740)
35	05/10/2005	(420741)
36	06/14/2005	(420742)
37	07/12/2005	(441732)
38	08/31/2005	(441733)
39	09/16/2005	(441734)
40	10/24/2005	(470247)
41	11/14/2005	(470248)
42	12/15/2005	(470249)
43	01/13/2006	(470250)
44	02/24/2006	(470244)
45	04/10/2006	(470245)
46	04/19/2006	(461038)
47	04/27/2006	(470246)
48	05/09/2006	(499353)
49	06/15/2006	(499354)
50	07/14/2006	(521396)
51	08/31/2006	(521397)
52	09/18/2006	(521398)
53	10/16/2006	(545928)
54	11/21/2006	(545929)
55	12/19/2006	(545930)
56	08/03/2007	(565561)

E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date	10/31/2002	(169423)		
Self Report?	YES		Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]			
Description:	Failure to meet the limit for one or more permit parameter			
Date	12/31/2002	(169431)		
Self Report?	YES		Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]			
Description:	Failure to meet the limit for one or more permit parameter			
Date	02/28/2003	(169393)		
Self Report?	YES		Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]			
Description:	Failure to meet the limit for one or more permit parameter			
Date	03/31/2003	(169398)		
Self Report?	YES		Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]			
Description:	Failure to meet the limit for one or more permit parameter			
Date	05/16/2003	(28502)		
Self Report?	NO		Classification	Moderate
Rqmt Prov:	PERMIT WQ 10597-001			

Description: The permittee self-reported eighteen violations of the two hour peak flow limitation of 1042 gpm for the time period since the 5/17/00 CCI to 11/02. Additionally the permittee exceeded the daily average flow limitation of 0.5 MGD for the month of 10/02.

Self Report? NO Classification Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.126(a)
 Rqmt Prov: PERMIT WQ 10597-001
 Description: Failure to submit a waiver request or planning materials when daily average flows exceeded 75% of the permitted 0.5 MGD daily average flow for three consecutive months.

Self Report? NO Classification Moderate
 Rqmt Prov: PERMIT WQ 10597-001
 Description: Mr. Darren May is employed by the City of Pinehurst as a wastewater treatment plant operator. Mr. May does not hold a valid operations license.

Self Report? NO Classification Minor
 Rqmt Prov: PERMIT WQ 10597-001
 Description: While the operators do perform some process control tests, the tests do not follow the recommended frequency for an activated sludge plant with less than 1.0 MGD discharge, nor are all of the recommended tests conducted. It was noted that the RE does not perform routine microscopic examination of the activated sludge.

Date 09/30/2003 (300143)
 Self Report? YES Classification Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter

Date 02/29/2004 (300132)
 Self Report? YES Classification Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter

Date 04/30/2004 (300135)
 Self Report? YES Classification Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter

Date 02/28/2005 (420739)
 Self Report? YES Classification Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter

Date 03/31/2005 (420740)
 Self Report? YES Classification Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter

Date 07/31/2005 (441733)
 Self Report? YES Classification Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter

Date 09/30/2005 (470247)
 Self Report? YES Classification Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter

Date 10/31/2005 (470248)
 Self Report? YES Classification Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter

Date 11/30/2005 (470249)
 Self Report? YES Classification Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter

Date 12/31/2005 (470250)
 Self Report? YES Classification Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter
 Date 01/31/2006 (470244)
 Self Report? YES Classification Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter
 Date 02/28/2006 (470245)
 Self Report? YES Classification Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter
 Date 04/30/2006 (499353)
 Self Report? YES Classification Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter
 Date 05/31/2006 (499354)
 Self Report? YES Classification Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter
 Date 06/30/2006 (521396)
 Self Report? YES Classification Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter
 Date 07/31/2006 (521397)
 Self Report? YES Classification Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter
 Date 10/31/2006 (545929)
 Self Report? YES Classification Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter
 Date 11/30/2006 (545930)
 Self Report? YES Classification Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter

F. Environmental audits.

N/A

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
CITY OF PINEHURST
RN100528918**

**§ BEFORE THE
§
§ TEXAS COMMISSION ON
§
§ ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2007-1444-MWD-E

I. JURISDICTION AND STIPULATIONS

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding City of Pinehurst ("the City") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the City appear before the Commission and together stipulate that:

1. The City owns and operates a wastewater treatment facility at 3000 Gull Street in Pinehurst, Orange County, Texas (the "Facility").
2. The City has discharged municipal waste into or adjacent to any water in the state under TEX. WATER CODE ch. 26.
3. The Commission and the City agree that the Commission has jurisdiction to enter this Agreed Order, and that the City is subject to the Commission's jurisdiction.
4. The City received notice of the violations alleged in Section II ("Allegations") on or about August 8, 2007.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the City of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Fifteen Thousand Seven Hundred Seventeen Dollars (\$15,717) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The City has paid Twelve Thousand Five Hundred Seventy-Four Dollars (\$12,574) of the administrative penalty and Three Thousand One Hundred Forty-Three Dollars

(\$3,143) is deferred contingent upon the City's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the City fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the City to pay all or part of the deferred penalty.

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and the City have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director recognizes that the City has implemented the following corrective measures at the Facility:
 - a. In May 2006, began analyzing ammonia-nitrogen once weekly as required by Texas Pollutant Discharge Elimination System ("TPDES") Permit WQ0010597001;
 - b. By June 29, 2007, began using potassium iodide to correct for manganese when performing chlorine residual analysis, checking the accuracy of the colorimeter using secondary standards while performing chlorine residual analyses, using a National Institute of Standards and Technology thermometer to calibrate the laboratory thermometer, and had purchased buffer solutions for the calibration of the pH meter;
 - c. By June 29, 2007, began including analysis times in the monitoring records;
 - d. On June 29, 2007, provided a copy of the 2004 and 2006 annual sludge reports to the TCEQ Beaumont Regional Office;
 - e. On June 29, 2007, provided a copy of the test report for the backflow prevention device;
 - f. By July 20, 2007, replaced the bulbs in the visual alarms at the 34th Street and West Park lift stations, repaired the alarm at the Warbler lift station, removed the grease from the wet well at the 34th Street lift station, and recoated the wet well lid and replaced the hatch at the Warbler lift station;
 - g. By July 26, 2007, provided a trash container with lid for the bar screenings, repaired and recoated the grating over the on-site influent lift station wet well, removed the tree from the equalization pond, and extended the skimmer arm in the clarifier to ensure removal of scum from its entire operating surface;
 - h. On July 26, 2007, provided noncompliance notices for the effluent excursions 40 percent (%) or more above the permitted effluent limitation which occurred in May and June 2006, as well as a standard operating procedure for the submittal of such notifications; and
 - i. On August 28, 2007, initiated engineering and financial planning for repairs and upgrading of the collection system of the Facility by approving the budget for an assessment of the system, including labor, equipment, and engineering fees.

10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the City has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Facility, the City is alleged to have:

1. Failed to initiate engineering and financial planning for expansion and/or upgrading of the wastewater treatment and/or collection facilities when the effluent daily average flow measurements reached 75% of the permitted daily average flow limit for three consecutive months, in violation of 30 TEX. ADMIN. CODE § 305.126(a) and TPDES Permit No. WQ0010597001, Operational Requirements No. 8.a., as documented during an investigation conducted on June 6, 2007. Specifically, the flow at the Facility exceeded 75% of its permitted daily average flow limit of 0.5 million gallons per day in December 2006 through March 2007.
2. Failed to ensure that the Facility and all of its systems of collection, treatment, and disposal are properly operated and maintained, in violation of 30 TEX. ADMIN. CODE §§ 305.125(5) and 317.4(b)(4) and (d), and TPDES Permit No. WQ0010597001, Operational Requirements No. 1, as documented during an investigation conducted on June 6, 2007. Specifically, the container used for bar screenings had no lid, the grating over the on-site influent lift station wet well was severely corroded and delaminating, a tree was growing in the west side of equalization pond, and the skimmer arm in the clarifier was too short to contact the outer baffle and remove solids from its entire operating surface.
3. Failed to ensure that the Facility and all of its systems of collection, treatment, and disposal are properly operated and maintained, in violation of 30 TEX. ADMIN. CODE §§ 305.125(5) and 317.3(e)(5), and TPDES Permit No. WQ0010597001, Operational Requirements No. 1, as documented during an investigation conducted on June 6, 2007. Specifically, the bulbs in the visual alarms at the 34th Street and West Park lift stations were missing, the wet well at the 34th Street lift station was approximately 90% covered with grease and solids, and the visual alarm at the Warbler lift station was not operable and the interior of the wet well lid and hatch were very corroded.
4. Failed to conduct effluent sampling at the minimum frequency specified in the permit, in violation of 30 TEX. ADMIN. CODE § 319.5(b) and TPDES Permit No. WQ0010597001, Monitoring and Reporting Requirements No. 1, as documented during an investigation conducted on June 6, 2007. Specifically, in January 2006, the City was monitoring ammonia nitrogen monthly instead of weekly.

5. Failed to timely submit a copy of the annual sludge report to the Beaumont Regional Office, in violation of 30 TEX. ADMIN. CODE § 305.125(17) and TPDES Permit No. WQ0010597001, Sludge Provisions, as documented during an investigation conducted on June 6, 2007. Specifically, the 2004 and 2006 annual sludge reports, due September 1 of each corresponding year, were not sent to the TCEQ Beaumont Regional Office as required.
6. Failed to submit noncompliance notifications to the TCEQ Beaumont Regional Office for effluent violations more than 40 percent above the permitted limitation for the months of May and June 2006, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and TPDES Permit No. WQ0010597001, Monitoring and Reporting Requirements No. 7.c., as documented during an investigation conducted on June 6, 2007.
7. Failed to retain monitoring and reporting records for three years, in violation of 30 TEX. ADMIN. CODE § 317.4(a)(8) and TPDES Permit No. WQ0010597001, Monitoring and Reporting Requirements No. 3.b., as documented during an investigation conducted on June 6, 2007. Specifically, the backflow prevention device test record was not available for review during the June 6, 2007 investigation.
8. Failed to comply with test procedures for the analysis of pollutants with procedures specified in 30 TEX. ADMIN. CODE § 319.11, in violation of 30 TEX. ADMIN. CODE § 319.11(c) and (e) and TPDES Permit No. WQ0010597001, Monitoring and Reporting Requirements No. 2, as documented during an investigation conducted on June 6, 2007. Specifically, potassium iodide was not being used for manganese correction when performing the chlorine residual analysis; the pH 7 and 10 buffers used to calibrate the pH meter had expired in 2006; the accuracy of the colorimeter had not been checked with secondary standards prior to the daily chlorine residual analysis; and it could not be demonstrated that the laboratory thermometer in the sample storage refrigerator had been calibrated with a National Institute of Standards and Technology thermometer as required.
9. Failed to include the time of analysis in the record of monitoring activities, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and TPDES Permit No. WQ0010597001, Monitoring and Reporting Requirements No. 3.c.iii., as documented during an investigation conducted on June 6, 2007.

III. DENIALS

The City generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the City pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the City's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations, which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: City of Pinehurst, Docket No. 2007-1444-MWD-E" to:

Financial Administration Division, Revenues Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

2. It is further ordered that the City shall undertake the following technical requirements:
- a. Within 30 days after the effective date of this Agreed Order, the City shall submit a notice, which may be in the form of an engineering report, to the TCEQ describing any planned physical alterations or additions to the Facility;
 - b. Respond completely and adequately, as determined by the TCEQ, to all requests for information concerning the notice and/or engineering report within 30 days after the date of such request or by any other deadline specified in writing; and
 - c. Within 90 days after the effective date of this Agreed Order, submit written certification of compliance that either authorization to commence construction of the additions or modifications to the Facility has been obtained or that a waiver of 30 TEX. ADMIN. CODE § 305.126(a) requirements has been obtained. Written certification shall include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance and shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team
Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

with a copy to:

Water Section, Manager
Beaumont Regional Office
Texas Commission on Environmental Quality
3870 Eastex Freeway
Beaumont, Texas 77703-1830

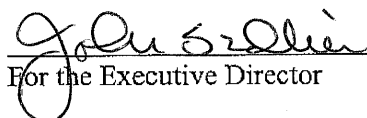
3. The provisions of this Agreed Order shall apply to and be binding upon the City. The City is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
4. If the City fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the City's failure to comply is not a violation of this Agreed Order. The City shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The City shall notify the Executive Director within seven days after the City becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the City shall be made in writing to the Executive Director. Extensions are not effective until the City receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. This Agreed Order, issued by the Commission, shall not be admissible against the City in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
7. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
8. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the City, or three days after the date on which the Commission mails notice of the Order to the City, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

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SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission



For the Executive Director

3/5/2008

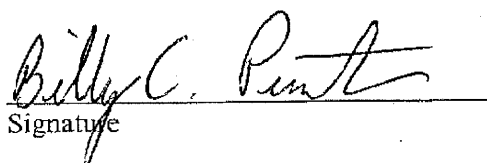
Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.



Signature

November 27, 2007

Date

Billy C. Permenter

Name (Printed or typed)
Authorized Representative of
City of Pinehurst

Mayor

Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.

